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STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

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Honorable Justin G. Williams
Attorney, City of Northport
2711 University Boulevard
Tuscaloosa, Alabama 35401

Corrections Fund - Expenditures -
Municipal Courts - Tuscaloosa
County

The City of Northport may use Corrections Fund monies collected pursuant to section 11-47-7.1 of the Code of Alabama to purchase a computer-aided dispatch system to be housed in the Northport Public Safety Facility.

Corrections Fund monies should be contributed or used only to the extent that the jail or court complex benefit from the use of this dispatch system.

Dear Mr. Williams:

This opinion of the Attorney General is issued in response to your request on behalf of the City of Northport.

QUESTIONS

May the City of Northport use Corrections Fund monies collected pursuant to section 11-47-7.1 of the Code of Alabama to purchase a computer-aided dispatch ("CAD") system to be housed in the Northport Public Safety Facility?

If the city may not purchase the CAD system wholly with Corrections Fund monies, in the

alternative, may the city use Corrections Fund monies to partially fund the purchase of the CAD system on the basis that a portion of the system will be used by the municipal court?

FACTS AND ANALYSIS

In your letter of request, you stated the following:

The city would like to use the funds collected pursuant to section 11-47-7.1 [Correction(s) Fund Monies] of the Code of Alabama to purchase a computer-aided dispatch system for use in the operations at the Northport Public Safety Facility. The Northport Public Safety Facility houses the municipal jail, the municipal court, and the dispatch center for the Northport Police Department. The CAD system would be used by the municipal court, as well as dispatchers in the police department.

Although the statute states that the funds must be used "exclusively for the operation and maintenance of the municipal jail or jails, other correctional facilities, if any, any juvenile detention center, or any court complex," A.G. Opinion 2003-117 opined that the use of a law library, housed within the jail or court complex, by people other than the inmates does not change the fact that Corrections Fund monies may be used to build the library. Specifically, the opinion stated that "[a]ccessibility to the library by persons other than inmates does not mean that the library is not part of the ordinary operating and maintenance expenses of the jail or court complex." The city believes that the police department's accessibility to the CAD system is analogous to the situation in A.G. Opinion 2003-117 and thus the use of Corrections Fund monies is proper.

Section 11-47-7.1(a) of the Code of Alabama authorizes an individual municipality, or municipalities jointly, to levy and assess an additional court cost for cases filed in the municipal court. ALA. CODE § 11-47-7.1(a) (Supp. 2007). These funds are paid into the "Corrections Fund." *Id.* Specifically, section 11-47-7.1, states, in pertinent part, as follows:

(a) In addition to any court costs and fees now or hereafter authorized, any municipal governing body, by majority vote of the municipal governing body, may individually or jointly with one or more municipalities in the county levy and assess additional court costs and fees up to an amount not to exceed the court costs and fees in the district court of the county for a similar case on each case hereafter filed in any municipal court of the municipality or municipalities. The cost or fee shall not be waived by any court unless all other costs, fees, assessments, fines, or charges associated with the case are waived. The costs and fees when collected by the clerks or other collection officers of the courts, shall be paid into a special municipal fund designated as the "Corrections Fund." *The affected governing body shall allocate the funds exclusively for the operation and maintenance of the municipal jail or jails, other correctional facilities, if any, any juvenile detention center, or any court complex.*

(b) The municipal governing body may appropriate other funds, space, and property sufficient to maintain and equip any municipal jail or court complex. The municipal governing body may also receive gifts, grants, and property for the use of the jail or court complex and may contract for services related to the construction, equipment, and maintenance of the jail or court complex.

Id. (emphasis added).

This Office has previously held that money from the Corrections Fund may be used: (1) for the purchase of law books and materials to establish a library within a jail or court complex (opinion to Honorable William Dennis Schilling, Municipal Judge, City of Pleasant Grove, dated April 1, 2003, A.G. No. 2003-117); (2) to remodel and refurnish the magistrate's office located in town hall (opinion to Honorable Mike Byrd, Mayor, Town of Newton, dated June 29, 2001, A.G. No. 2001-213); (3) to repair, remodel, and renovate a city's court complex (opinion to Honorable Michael E. Box, Attorney, City of Chickasaw, dated May 9, 2000, A.G. No. 2000-136); (4) for salaries of personnel and office machines of a court complex (opinion to Honorable Robert B. Hezlep, Jr., Mayor, Town of Branchville, dated June 13, 1996, A.G. No. 96-00236); and (5) to pay the cost of police officers transporting prisoners from the county jail to municipal court and for the magistrate to travel to the jail for 48-hour hearings (opinion to Honorable Carl E. Chamblee, Jr., Municipal Judge, Argo Municipal Court, dated March 16, 2006, A.G. No. 2006-0066).

Your particular request is most analogous to an opinion issued to the Honorable Vaughn Goodwin, Mayor, Town of Trinity, dated September 13, 2005, A.G. No. 2005-193. In that opinion, this Office stated that the Town of Trinity could use Corrections Fund monies to contract with the Morgan County 911 Center to enter the town's warrants into the NCIC database if the town determined that the payment of the fee was a necessary expenditure for the operation and maintenance of the jail and court. *Id.*

In this matter, you seek to use Correction Fund monies to purchase a CAD dispatch system. This system would be used by both the Northport Municipal Court and the Northport Police Department. In a subsequent conversation, you explained that the municipal court uses this system to request criminal histories, drivers' records, and other needed information regarding people facing prosecution. Accordingly, it is the opinion of this Office that if the City of Northport determines that purchase of this dispatch system is a necessary expenditure for the operation and maintenance of the jail and court, Corrections Fund monies may be used.

In your second question, you ask whether, at the very least, Corrections Fund monies could be used to pay the portion of the cost of the dispatch system that represents the portion of the system that will be used by the Northport Municipal Court. Section 11-47-7.1(a) states that these funds shall be allocated "exclusively for the operation and maintenance of the municipal jail or jails, other correctional facilities . . . or court complex." ALA. CODE § 11-47-7.1 (Supp. 2007). Accordingly, it is the

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opinion of this Office that Corrections Fund monies should be used only to the extent that such expenditure is needed for the maintenance of the jail and court complex. If the court will not be making full use of the system, the Corrections Fund should not be the sole funding source for this project. *See, generally*, Opinions to Honorable Jay M. Ross, Attorney, City of Daphne, dated December 30, 2002, A.G. No. 2003-054; and to Honorable O. Stanley Thornton, Attorney, City of Talladega, dated January 15, 1998, A.G. No. 98-00076.

CONCLUSION

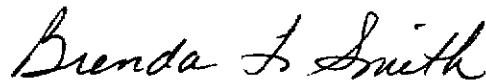
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Corrections Fund monies should be contributed or used only to the extent that the jail or court complex benefit from the use of this dispatch system.

I hope this opinion answers your questions. If this Office can be of further assistance, please contact Monet Gaines of my staff.

Sincerely,

TROY KING
Attorney General
By:

A handwritten signature in cursive script that reads "Brenda F. Smith".

BRENDA F. SMITH
Chief, Opinions Division

TK/MMG
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